



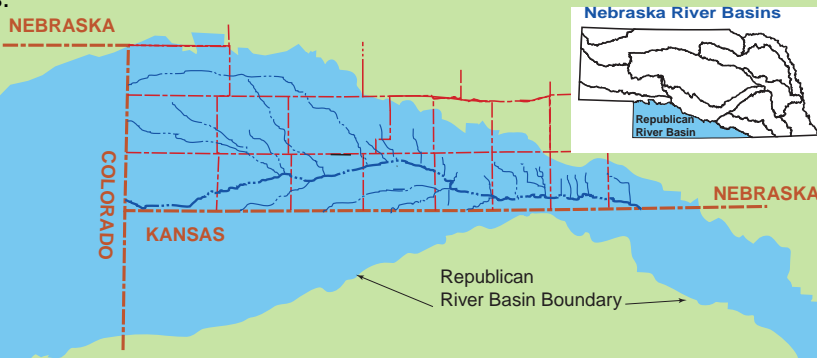
Several months ago the United States Supreme Court appointed Vincent L. McKusick, a former Maine Supreme Court Justice, as Special Master in the Kansas, Nebraska, and Colorado litigation over the Republican River Compact. The first issue ruled upon by the Special Master was a Nebraska motion to dismiss Kansas' complaint on the theory that the Republican River Compact did not restrict consumption of groundwater by any of the compacting states. That motion to dismiss was rejected by the Special Master in his first report to the Court dated January 28, 2000. In his opinion, which likely will be appealed by Nebraska to the Supreme Court, the Special Master concluded as follows:

(1) The language of the Compact unambiguously governs the entire streamflow of the Basin which includes all groundwater that would become part of the streamflow in the Basin if undepleted by the activities of man;

(2) Even if the Compact were ambiguous, the record of the Compact negotiations shows that the Compact was intended to govern the entire streamflow of the Basin, including all groundwater that would become part of the streamflow in the Basin if undepleted by the activities of man, and the [Republican River Compact's] administration of the Compact reflects an identical interpretation;

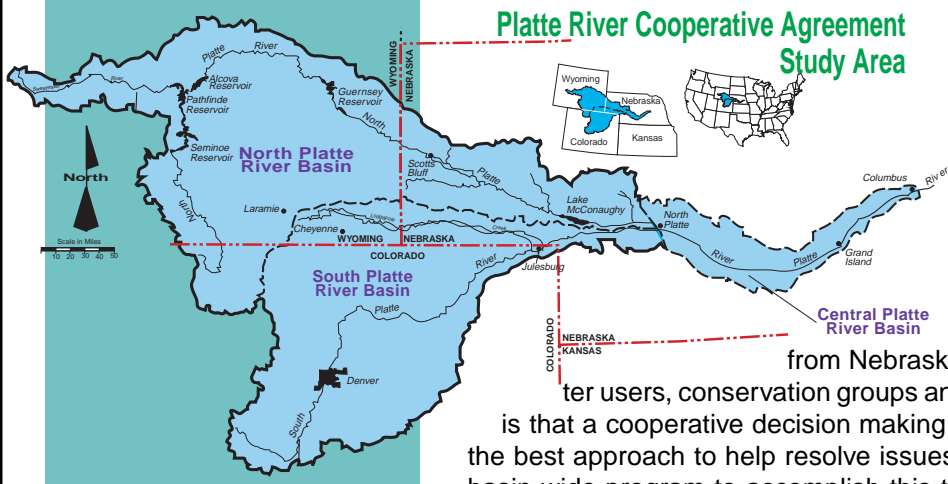
Special Master Issues First Ruling in Republican River Compact Dispute

By Jim Cook



Continued on page 5

Platte River Information.....participation desired

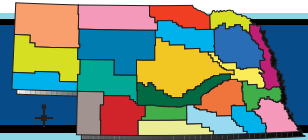


The Nebraska Natural Resources Commission has appointed Jerry Vandersnick, as Platte River Public Information Officer. Jerry will be working closely with the **Platte River Cooperative Agreement (PRCA)**, a multi-state effort to bring together groups of interested parties to address the needs of threatened and endangered species whose habitat include the Platte River in Central Nebraska. Participants in the PRCA include representatives

from Nebraska, Colorado, and Wyoming along with water users, conservation groups and the Department of the Interior. The belief is that a cooperative decision making process with various interested parties is the best approach to help resolve issues while allowing water uses to continue. A basin-wide program to accomplish this task is being developed. Jerry will provide interested Nebraskans with information on PRCA issues and an opportunity to participate in the decision making process by relaying comments, concerns and/or suggestions directly to those involved in the decision making process. Public input is and will continue to be solicited with regard to the ongoing process and development of the program. A variety of outreach documents and opportunities will be designed and provided so that all interested parties are not only well informed relative to the PRCA, but have ample opportunity to provide input and/or to participate either directly or indirectly in the process.

If you have any comments, questions, suggestions, or are looking for someone to speak with your group or organization, Jerry, can be reached toll free at **888-877-8497**, by fax at **308-865-5396** or by e-mail at **jvander@nrcdec.nrc.state.us**.

DIRECTOR'S COMMENTS



Recently the Nebraska Natural Resources Districts began distribution of an excellent map highlighting 54 recreational areas located throughout the state. Many of the recreation sites are multi-purpose in nature where districts have exercised their statutory authority to invest in cost-effective projects that provide recreational opportunities. The wide range of projects include outdoor activities and recreational benefits such as fishing, swimming, camping, bird watching and hiking and biking trails. All contribute to making the Nebraska landscape better and helping meet the increasing demand for outdoor recreation. The color map also features information that describes what is available at each facility and a detailed location for many.

The new map identifies 54 sites across the state that have been developed during the past 28 years Natural Resources Districts have been in existence. Partnerships with other state and federal agencies has been important in developing and maintaining many of the sites. **The State of Nebraska, through the Commission's Natural Resources Development Fund has contributed over \$15 Million to assist the development of 20 of the 54 identified projects.** In addition, the Commission has assisted financially with seven additional identified projects through the Small Watersheds Flood Control Fund. Federal funding on a number of these projects was also an important element, and the Nebraska Game and Parks Commission also played a vital role by providing financial and other assistance on some projects.

Fortunately, Nebraskan's discovered a long time ago that "partnering" can be the best way to accomplish many things that citizens really desire for their communities. Local property tax continues to be an issue and throughout this newsletter (pages 3 and 4) you will find articles and updates on significant contributions made over the years through the state budget process. Those contributions contribute to the maintenance and improvement of Nebraska's natural resources and assist with reducing what many term a property tax "overload". The importance of a unified effort to assure making the "best better" is essential.

In addition to the colorful and informative statewide map, a map of each district in greater detail is included. This is an excellent publication and can be obtained from the Nebraska Association of Resources Districts, 601 So. 12th St., Suite 201, Lincoln, NE 68508, or from your local Natural Resources District office.

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

As an agency of state government the Natural Resources Commission is an Equal Opportunity/Affirmative Action Employer and is committed to these principles. As part of that responsibility the agency has adopted an Affirmative Action Plan which outlines the agency's policies with respect to employment and establishes goals for the implementation of those policies.

A policy statement supporting the principles of equal employment opportunity and affirmative action is included in the Plan. The policy clearly states the Natural Resources Commission's support for equal employment opportunity and affirmative action for all persons without regard to their race, color, religion, sex, age, national origin, marital status, mental or physical disability or political affiliation. Another part of the Plan is an agency policy statement regarding sexual harassment, which outlines procedures for dealing with any instances of sexual harassment.

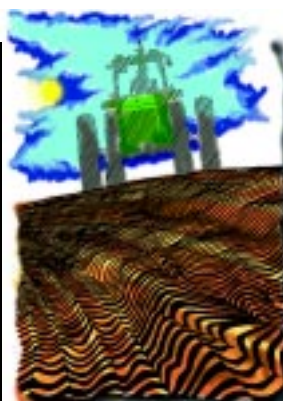
Goals established within the affirmative action plan include increasing the representation of females within the professional staff, increasing the representation of social minorities in the staff and continuing to provide equal employment/affirmative action training opportunities to all staff, with emphasis in the supervisory staff.

Nebraska Soil and Water Conservation Program Update

Approved Soil and Water Conservation Practices	Program Accomplishments in 1999	Total Program Accomplishments 1977-1999
Terraces	396 miles	10,154 miles
Terrace Underground Outlets	317,733 feet	3,825,880 feet
Water Impoundment Dams	43	1,191
Grade Stabilization Structures	23	607
Irrigation Tailwater Recovery Pits	7	841
Diversions	70,869 cu. yds.	1,355,043 cu.yds.
Grassed Waterways	320 acres	10,455 acres
Water and Sediment Control Basins	40	401
Dugouts for Livestock Water	31	543
Pasture or Range Seeding	3,891 acres	37,271 acres
Critical Area Plantings-Grass	98 acres	540 acres
Windbreaks	2,503 acres	31,110 acres
Windbreak Renovations	15 acres	3,078 acres
Irrigation Return Pipe	10,572 feet	530,509 feet
Planned Grazing Systems	268,554 acres	2,649,095 acres
*Irrigation Surge Valves	0	632
Irrigation Water Management	29,574 acres	108,943 acres
Repair of Practices	33	70
Stream Bank Stabilization	1	4
Republican Basin Water Meter Program	685	694
TOTAL DOLLARS	\$4,111,048.73	\$53,533,684.73

* Rescinded as separate practice effective 7-1-94

Figures are rounded to the full unit



The **Nebraska Soil and Water Conservation Fund** was established in 1977 to provide state financial assistance to Nebraska landowners installing approved soil and water conservation measures. **Since 1977 the State of Nebraska has provided over \$53.5 million in cost-share assistance to Nebraska landowners.**

The fund is administered at the state level by the Natural Resources Commission and is coordinated by the state's 23 natural resources districts at the local level with technical assistance provided by the Natural Resources Conservation Service. For additional information on the Soil and Water Conservation Fund, contact the Nebraska Natural Resources Commission or your local Natural Resources District.

Since 1977 the state has provided a total of **\$53,533,684.73** in cost-share assistance to Nebraska landowners through the Commission and the state's natural resources districts.



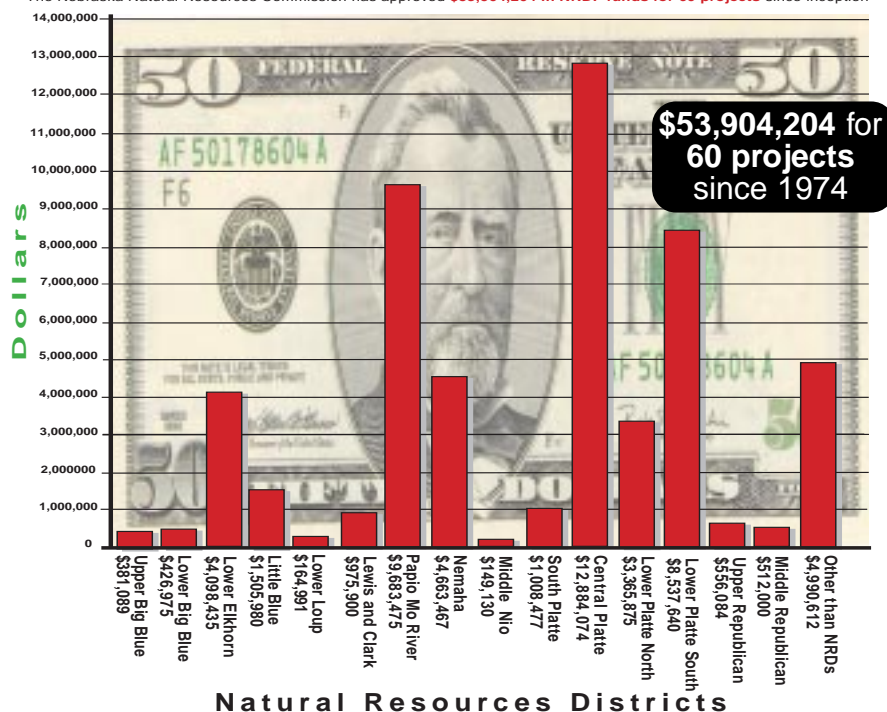
Natural Resources Enhancement Fund

Natural Resources Enhancement Fund receipts for the third 12-month period of the fund's existence totaled \$2,241,000.00 compared with \$2,282,580.29 for 1998 and \$2,409,740.28 for the first year, 1997. The fund is financed by a one dollar per ton fee on fertilizer sold and is scheduled to remain in place until December 31, 2000. The fees are paid to the Department of Revenue and are credited to the Enhancement Fund's account administered by the Natural Resources Commission. **Total receipts for the three-year period are \$6.9 million which are distributed to the state's 23 natural resources districts** based on a formula (20% equal, 20% based on Ground Water Management Areas, and 60% on the amount of fertilizer sold in each NRD) and are to be utilized for water quality programs. The districts match one local dollar for every three dollars received from the fund.

Nebraska Resources Development Fund

Total Distributions By Natural Resources District

The Nebraska Natural Resources Commission has approved **\$53,904,204** in NRDF funds for **60 projects** since inception



Natural Resources Districts

Other includes 1 county, 9 cities and 5 irrigation districts as project sponsors

The purpose of the Nebraska Resources Development Fund is to assist with the development of Nebraska's land and water resources. Financed by state tax dollars the fund provides assistance in the form of grants and/or loans for qualified projects that are sponsored by political subdivisions (such as NRDs, counties and cities). The above graphic shows the sponsors of approved funds since inception in 1974.

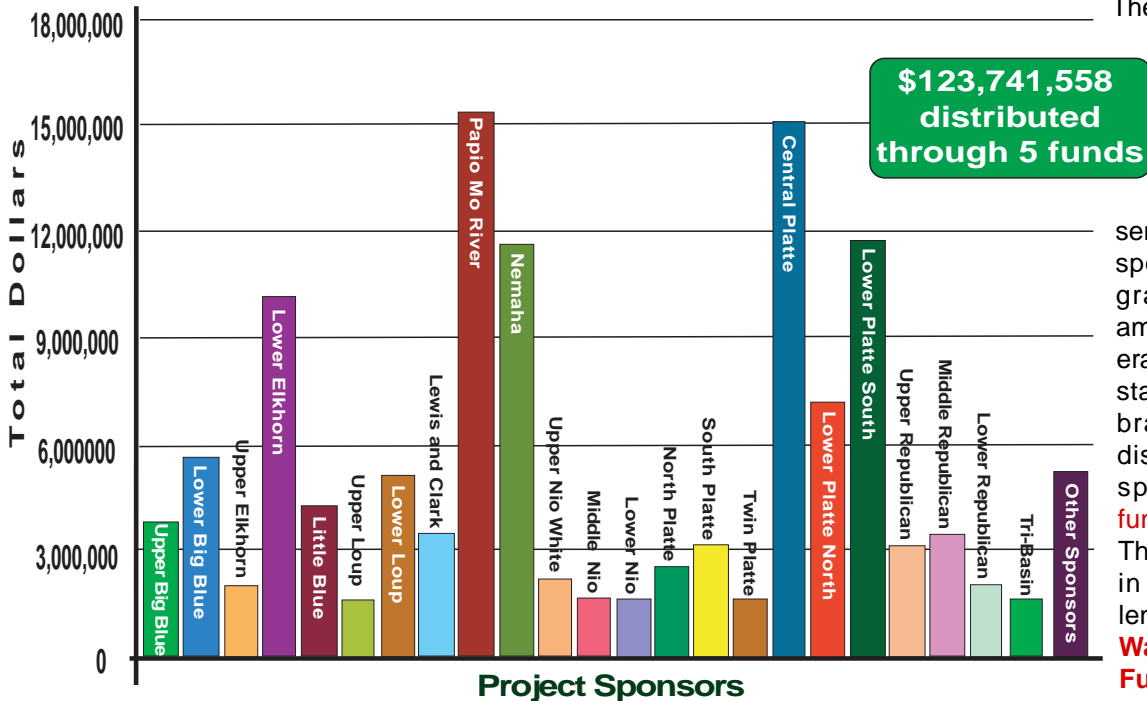
State Funds

Total Distribution of State Funds Administered by NNRC

Since 1972, or the inception of the respective funds, through 12-31-99

Totals Includes Nebraska Resources Development Fund, Nebraska Soil and Water Conservation Fund, Natural Resources Enhancement Fund, Water Well Decommissioning Fund and Small Watersheds Flood Control Fund

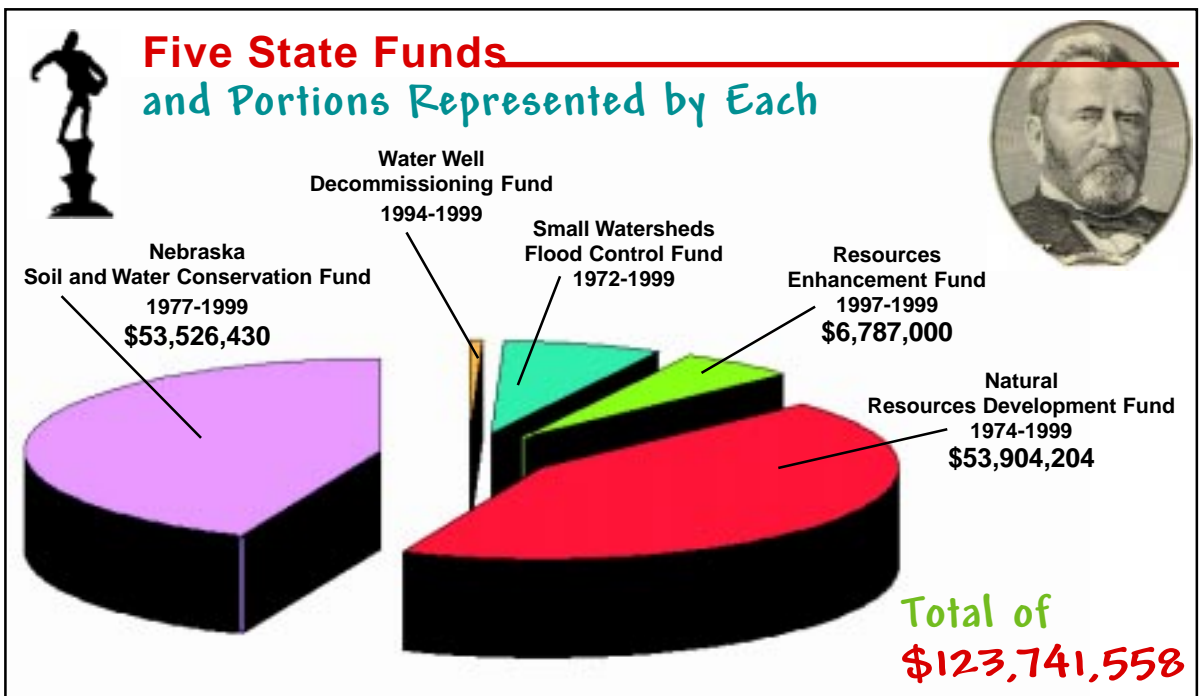
Total NRC State Funding



The graphics on this page represents total distribution of the five state funds administered by the Nebraska Natural Resources Commission.

The top graph represents distributions by project sponsors while the bottom graph represents the amounts each fund has generated for its recipients. Total state assistance to the Nebraska natural resources districts and other project sponsors through these funds equals **\$123,741,558**. These five funds have been in existence for different lengths of time. The **Small Watersheds Flood Control Fund** was originally enacted

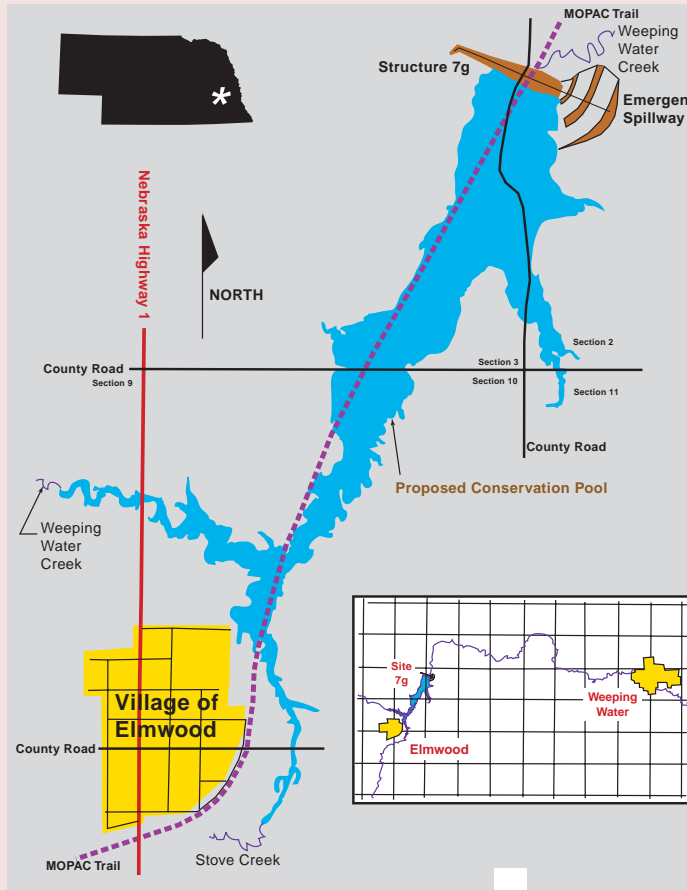
in 1963 to provide state funds to assist sponsors of flood control projects with the acquisition of land rights needed for those projects. The dollar figure for this fund used for the graphs represent reimbursements to project sponsors since July 1, 1972 only. The **Resources Development Fund**, enacted in 1974, provides state funding assistance with the construction of projects that enhance the state's



natural resources. The **Soil and Water Conservation Fund** was enacted in 1977 to provide state funds to assist landowners with the installation and implementation of approved soil and water conservation practices. Enacted in 1994, the **Water Well Decommissioning Fund** provides cost-share assistance for the decommissioning or plugging of illegal or abandoned wells. The **Natural Resources Enhancement Fund**, created in 1994, provides funds from a one dollar per ton fee on commercial fertilizer to assist NRD's with water quality programs. A more detailed description of three of the funds can be found on page three of this newsletter.

Commission Approves Funds for Site 7g Recreation

By Tom Pesek



The Nebraska Natural Resources Commission approved funding for recreation development at **Weeping Water Creek Site 7g** at its December 9, 1999, meeting. The Commission provided the **Lower Platte South Natural Resources District**, the project sponsor, a **Nebraska Resources Development Fund** grant for up to **\$1,276,410** not to exceed 50% of the estimated total project cost of \$2,552,820. The grant is to assist with engineering and design, land rights acquisition and construction work. The 180-acre reservoir and 562-acre public recreation area would be located downstream of Elmwood and are to include extensive recreation facility development in order to provide a variety of outdoor activities.

In November 1989, the Commission approved NRDF funding for the Weeping Water Creek Watershed Project which consists of 19 floodwater retarding structures. The project has received a 75% NRDF grant of \$5,204,450. All structures have been completed except Site 7g. In November 1998, the NRD submitted an amended project application to make Structure 7g a multi-purpose site with emphasis on recreation facility development.

The Commission's latest action is contingent upon the NRD reaching agreement with the Cass County Board of Commissioners to close or relocate county roads in the reservoir area. The Commission also stipulated that no NRDF funds are to be disbursed to the NRD for any work at Site 7g without the Cass County agreement noted above.

(Special Master Issues First Ruling Con't)

(3) Prior decisions of this court are entirely consistent with the view that an interstate Compact can restrict groundwater use even though that Compact does not expressly use the term "groundwater," and no decision of either this Court or any court of any of the compacting states detracts from the plain and inclusive meaning of the term "virgin water supply" as defined in the Compact: "the water supply within the basin undepleted by the activities of man"; and

(4) Nebraska violates the Compact if, as a factual matter, Nebraska's groundwater pumping, whether from alluvial or tableland wells, depletes streamflow in the Basin to the extent that Nebraska exceeds its allocated share of the virgin water supply.

The special master ended his report to the Supreme Court with the following recommendation:

"The Republican River Compact restricts a compacting State's consumption of groundwater to the extent the consumption depletes streamflow in the Republican River Basin and, therefore, Nebraska's motion to dismiss should be denied."

We will continue to provide updates on this case as it progresses.

New Officers Elected

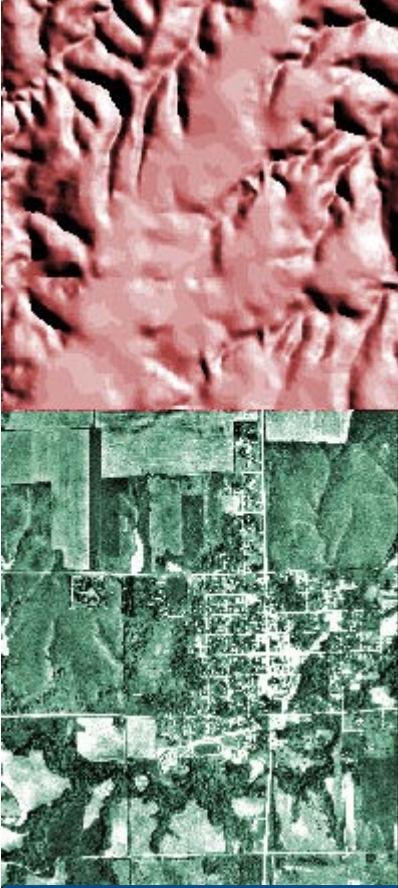
At their annual organizational meeting held January 26, 2000, members of the Nebraska Natural Resources Commission elected officers for the coming year. Elected to serve a one-year term as Chairperson of the Commission was Richard Jiskra of Swanton and elected Vice-Chairperson was LeRoy Pieper of Mitchell.

Richard Jiskra is a board member of the Lower Big Blue Natural Resources District, manages a farming operation in Saline County and represents the Big Blue River Basin on the Commission where he has been a member since 1995.

LeRoy Pieper is a retired Scotts Bluff, County farmer and a North Platte Natural Resources District Board Member. LeRoy, represents the North Platte River Basin on the Natural Resources Commission and has been a member since 1997.

These two men will head the sixteen-member Nebraska Natural Resources Commission which has broad responsibilities in soil and water conservation and development in Nebraska. Thirteen of the sixteen members represent Nebraska's river basins. The remaining three members are appointed by the governor to represent the three specific resource interests of municipal water users, surface water irrigators and ground water irrigators.

Revision of DOQs

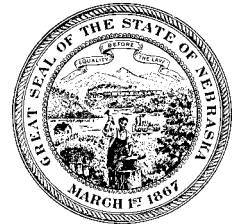


The Nebraska Natural Resources Commission (NNRC), in a collaborative effort with the U.S. Geological Survey (USGS), is developing second generation Digital Orthophoto Quadrangles (DOQs) of the state. A DOQ is a digital aerial photograph processed to remove distortion displaying the ground features in true geometric position on the map. Accurate measurements of lengths and areas can be made from the image making them useful for soil surveys, floodplain mapping, terrain modeling and watershed planning purposes. Other state and federal agencies, academic institutions and private organizations use them for a variety of projects and applications.

The second generation production will be based on 1999 imagery flown under the National Aerial Photography Program (NAPP), the first generation DOQs used 1993 NAPP photography. Over time, landuse changes such as urban development, highway development, and natural processes such as erosion and flooding can change the topography and value of the DOQs. A pilot project has been initiated for Lancaster County to help determine the feasibility and process of updating the DOQs statewide. The process of updating is easier than creating and should take only about a year to complete. Much of the needed data for updating such as the DEMs already exist. When undertaken, the updating process will create approximately 1550 new DEMs and 6000 new DOQs providing complete statewide coverage of elevation and orthophotography.



STATE OF NEBRASKA
Mike Johanns, Governor



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Nebraska Resources is published quarterly by staff of the Nebraska Natural Resources Commission. Articles appearing in this newsletter are opinions of the authors and not necessarily those of the Nebraska Natural Resources Commission unless specified. Your comments, suggestions or questions are welcomed by writing to the Nebraska Natural Resources Commission.

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